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Dated: 7/14/05

Signature: 

(David J. Powsner)

3713  
B1000  
Docket No.: 104704-0008  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Peter Gaidarev et al.

Application No.: 10/005,217

Group Art Unit: 3713

Filed: December 5, 2001

Examiner: R. J. Mendoza

For: PAYOUT DISTRIBUTIONS FOR GAMES OF  
CHANCE

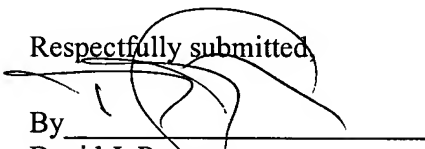
**REQUEST FOR CONSIDERATION OF  
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On October 29, 2004 an Information Disclosure Statement was filed (copy attached) but, apparently, mistakenly overlooked by the Examiner. At this time, applicant requests the Examiner's consideration of the previously filed Information Disclosure Statement.

Dated: 7/14/05

Respectfully submitted,  


By

David J. Powsner

Registration No.: 31,868

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2000

Attorney for Applicant

Atty Docket No.: 104704-0008

Inventor: Peter Gaidarev et al.

Application No.: 10/005,217-Conf. #8598

Filing Date: December 5, 2001  
Title: PAYOUT DISTRIBUTIONS FOR GAMES OF CHANCE



10/29/04

ocket No.: 104704-0008

a: December 5, 2001

Atty Docket No.: 104704-0008

Inventor: Peter Gaidarev et al.

Application No.: 10/005,217-Conf. #8598 Filing Date: December 5, 2001  
Title: PAYOUT DISTRIBUTIONS FOR GAMES OF CHANCE

**Documents Filed:**

- Transmittal (1 page)
- Supplemental Information Disclosure Statement (3 pages)
- IDS (Citation) by Applicant (2 pages)
- Fee Transmittal (1 page)
- Check in the amount of \$180.00
- Copies of 8 publications as cited herein
- Postcard (in duplicate)

Via: First Class Mail

Sender's Initials: DJP/cmr



Date: 10/29/04

Postcard (in duplicate)

Via: First Class Mail  
Sender's Initials: DJP/cmr

Date: 10/29/04

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Inventor: Peter Gaidarev et al.

Atty Docket No.: 104704-0008

Application No.: 10/005,217-Conf. #8598 Filing Date: December 5, 2001  
Title: PAYOUT DISTRIBUTIONS FOR GAMES OF CHANCE

**Documents Filed:**

- Transmittal (1 page)
- Supplemental Information Disclosure Statement (3 pages)
- IDS (Citation) by Applicant (2 pages)
- Fee Transmittal (1 page)
- Check in the amount of \$180.00
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Via: First Class Mail

Sender's Initials: DJP/cmr



Date: 10/29/04

Nutter, McClennen & Fish, LLP

World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2604

Date:

October 19, 2004

Check No. 42432

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5-7017

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\$ 180.00

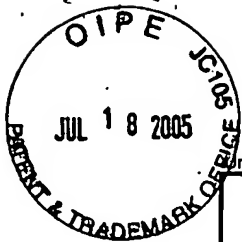
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Commissioner of Patents and Trademarks

  
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|   |                        |                        |
|---|------------------------|------------------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/005,217-Conf. #8598 |
|   | Filing Date            | December 5, 2001       |
|   | First Named Inventor   | Peter Gaidarev         |
|   | Art Unit               | 3713                   |
|   | Examiner Name          | R. J. Mendoza          |
| Total Number of Pages in This Submission  | Attorney Docket Number | 104704-0008            |

## ENCLOSURES (Check all that apply)

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                          | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input checked="" type="checkbox"/> Fee Attached                                  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                                | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                                | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                              | <input type="checkbox"/> Request for Refund   | Return Receipt Postcard (in duplicate)  |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____                                      | IDS (citation) by Applicant with copies of 8 publications as cited therein              |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                   | <input type="checkbox"/> Landscape Table on CD  | Check in the amount of \$180.00   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application            | Remarks   |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53         |   |   |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                            |          |        |
|--------------|----------------------------|----------|--------|
| Firm Name    | NUTTER MCLENNEN & FISH LLP |          |        |
| Signature    |                            |          |        |
| Printed name | David J. Powsner           |          |        |
| Date         | 10/29/04                   | Reg. No. | 31,868 |

|  |                                |
|--|--------------------------------|
| 1371413.1  |                                |
| Transmittal  |                                |
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| Dated: 10/29/04  | Signature:  (David J. Powsner) |



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Dated: 10/29/04

Signature:

(David J. Ponsner)

Docket No.: 104704-0008  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Peter Gaidarev et al.

Application No.: 10/005,217

Confirmation No.: 8598

Filed: December 5, 2001

Art Unit: 3713

For: PAYOUT DISTRIBUTIONS FOR GAMES  
OF CHANCE

Examiner: R. J. Mendoza

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the publications listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the publications be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered.

The Applicant also calls the Examiner's attention to the following co-pending, commonly assigned U.S. Patent Applications:

| U.S. Serial No. | Filing Date      | Title  |
|-----------------|------------------|--|
| 09/975,769      | October 11, 2001 | ESTIMATING THE SEASONALITY OF GROUPS OF SIMILAR ITEMS OF COMMERCE DATA SETS BASED ON HISTORICAL SALES DATA VALUES AND ASSOCIATED ERROR INFORMATION |
| 10/165,041      | June 7, 2002     | MARKDOWN MANAGEMENT  |
| 09/263,979      | March 5, 1999    | INVENTORY AND PRICE DECISION SUPPORT   |
| 09/900,706      | July 6, 2001     | PRICE DECISION SUPPORT   |
| 09/826,378      | April 4, 2001    | ASSORTMENT DECISIONS   |
| 10/861,772      | June 4, 2004     | METHODS AND APPARATUS FOR RETAIL INVENTORY BUDGET OPTIMIZATION AND GROSS PROFIT MAXIMIZATION   |
| 10/891,458      | July 14, 2001    | METHODS AND APPARATUS FOR INVENTORY ALLOCATION AND PRICING   |

I hereby certify that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

A copy of each publication on the PTO/SB/08 is attached.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 104704-0008.

Dated: 6/29/04

Respectfully submitted,

By 

David J. Powsner

Registration No.: 31,868

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2000

(617) 310-9000 (Fax)

Attorney for Applicant



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|   |   |    |                          |                        |             |
|---|---|----|--------------------------|------------------------|-------------|
| <b>Substitute for form 1449A/B/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    | <b>Complete If Known</b> |                        |             |
|   |   |    | Application Number       | 10/005,217-Conf. #8598 |             |
|   |   |    | Filing Date              | December 5, 2001       |             |
|   |   |    | First Named Inventor     | Peter Gaidarev         |             |
|   |   |    | Art Unit                 | 3713                   |             |
|   |   |    | Examiner Name            | R. J. Mendoza          |             |
| Sheet   | 1 | of | 1                        | Attorney Docket Number | 104704-0008 |

| U.S. PATENT DOCUMENTS |                          |  |                                   |  |   |
|-----------------------|--------------------------|--|-----------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                   |  |   |
|                       | AA                       | US-2002/0174119                          | 11-21-2002                        | Kummamuru et al.                                   |   |
|                       | AB                       | US-5,983,224                             | 11-09-1999                        | SINGH et al.                                       |   |
|                       | AC                       | US-6,496,834                             | 12-17-2002                        | Cereghini et al.                                   |   |
|                       | AD                       | US-6,397,166                             | 05-28-2002                        | LEUNG et al.                                       |   |
|                       | AE                       | US-6,092,049                             | 07-18-2000                        | CHISLENKO et al.                                   |   |

| FOREIGN PATENT DOCUMENTS |                          |   |                                   |  |   |                |
|--------------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
|                          | BA                       | JP-0200184239A  | 03-30-2001                        | Waseda et al.                                      |   |                |
|                          | BB                       | EP-1271278 A2   | 02-01-2003                        | Teraoka et al.                                     |   |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

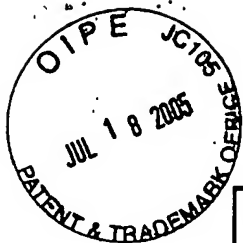
| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---------------------------------|--------------------------|---|----------------|
| Examiner<br>Initials*           | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 |                          |   |                |
|                                 | CA                       | Achabal et al., A Decision Support System for Vendor Managed Inventory, Winter 2000, Journal of Retailing, Vol. 76, No. 4, pg 430.  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|





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Application No. (if known): 10/005,217

Attorney Docket No.: 104704-0008

## Certificate of Mailing under 37 CFR 1.8

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Signature

\_\_\_\_\_  
David J. Powsner

\_\_\_\_\_  
Typed or printed name of person signing Certificate

\_\_\_\_\_  
31,868

\_\_\_\_\_  
Registration Number, if applicable

\_\_\_\_\_  
Telephone Number

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IDS (Citation) by Applicant (and copies of cited publications)

1371411.



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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

## Complete If Known

Application Number 10/005,217-Conf. #8598  
Filing Date December 5, 2001  
First Named Inventor Peter Gaidarev  
Examiner Name R. J. Mendoza  
Art Unit 3713  
Attorney Docket No. 104704-0008

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

Deposit Account:

Deposit Account Number

141449

Deposit Account Name

Nutter McClennen & Fish LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 430      | 2252         | 215      | Extension for reply within second month                                    |          |
| 1253         | 980      | 2253         | 490      | Extension for reply within third month                                     |          |
| 1254         | 1,530    | 2254         | 765      | Extension for reply within fourth month                                    |          |
| 1255         | 2,080    | 2255         | 1,040    | Extension for reply within fifth month                                     |          |
| 1401         | 340      | 2401         | 170      | Notice of Appeal   |          |
| 1402         | 340      | 2402         | 170      | Filing a brief in support of an appeal                                     |          |
| 1403         | 300      | 2403         | 150      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,370    | 2453         | 685      | Petition to revive - unintentional   |          |
| 1501         | 1,370    | 2501         | 685      | Utility Issue fee (or reissue)   |          |
| 1502         | 490      | 2502         | 245      | Design Issue fee   |          |
| 1503         | 660      | 2503         | 330      | Plant Issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  | 180.00   |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810         | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801         | 790      | 2801         | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 790      | 2001         | 395      | Utility filing fee     |          |
| 1002         | 350      | 2002         | 175      | Design filing fee      |          |
| 1003         | 550      | 2003         | 275      | Plant filing fee       |          |
| 1004         | 790      | 2004         | 395      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
|                    | ** =         | x              | =        |
| Independent Claims | ** =         | x              | =        |
| Multiple Dependent |              |                | =        |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 88       | 2201         | 44       | Independent claims in excess of 3                          |
| 1203         | 300      | 2203         | 150      | Multiple dependent claim, if not paid                      |
| 1204         | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

Name (Print/Type) David J. Powsner

Registration No. (Attorney/Agent)

31,868

(Complete (if applicable))

Telephone (617) 439-2000

Signature

Date

## Fee Transmittal

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Dated: \_\_\_\_\_ Signature: \_\_\_\_\_ (David J. Powsner)